

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION**

AnywhereCommerce, Inc. and BBPOS  
Limited

Plaintiffs,

v.

Ingenico Inc., Ingenico Corp., Ingenico  
Group SA, and Ingenico Ventures,  
SAS

Defendants.

Civil Action No. 18-cv-05824-MLB


**Declaration of Ward D. Hewins in support of Defendants' Motion to Dismiss  
pursuant to Fed. R. Civ. P. 12(b)(6) or Transfer Venue Under  
28 U.S.C. § 1404 and Motion for More Definite Statement pursuant to Fed. R.  
Civ. P. 12(e)**

1. My name is Ward D. Hewins and I am over the age of eighteen and competent to submit this Declaration.
2. I serve as the Vice President of Legal and General Counsel of Ingenico Inc. and have served in those positions since June 2015. I also served as Senior Corporate Counsel for ROAM Data, Inc. from May 2013 to June 2015, and served as its Vice President of Legal and General Counsel from June 2015 until December 31, 2017, when ROAM Data, Inc. was merged with Ingenico Inc. I oversee the legal activities of Ingenico Inc. and my responsibilities require me to have a close familiarity with the business of

ROAM Data, Inc. and Ingenico Inc. and their respective contractual arrangements.

3. I have reviewed the document attached to Defendants' Memorandum of Law in support of their Motion as Exhibit 2. This document, captioned "Payment Gateway Reseller Application & Agreement" between ROAM Data Inc. and an entity doing business as HomeATM-AnywhereCommerce, is a true and accurate copy of the aforesaid contract which is maintained by Ingenico Inc. in the usual course of its business.
4. Ingenico Inc. has a significant presence in the Commonwealth of Massachusetts. It is qualified to do business in that state and has roughly fifty employees in Boston. Ingenico Inc. continues to run the mobile payment business formerly operated by ROAM Data, Inc. primarily from Ingenico Inc.'s Boston office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on March 21, 2019.



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Ward D. Hewins

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of March, 2019, I will electronically file the foregoing **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6) OR TRANSFER VENUE UNDER 28 U.S.C. § 1404 AND MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO FED. R. CIV. P. 12(E)** with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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